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OFFICE OF PETITIONS

In re Application of :
Franco D'Alessandro :
Application No. 10/611,574 : ON PETITION
Filed: July 1, 2003 :
Attorney Docket No. ERICP0343US :

This is a decision on the petition under 37 CFR 1.53 filed February 22, 2005, requesting that the above-identified application be accorded a filing date of July 1, 2003, including three (3) sheets of drawings.

The application was submitted on July 1, 2003. However, on December 30, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Nonprovisional Application" (Notice) that stated the application had not been accorded a filing date, and that the application was deposited without drawings.

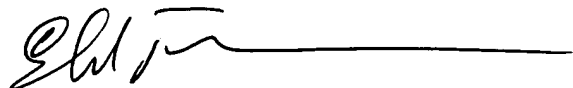
In response, on February 22, 2005, the instant petition was submitted. Petitioner argues that three (3) sheets of drawings were filed on July 1, 2003. In support, the instant petition is accompanied by a copy of applicant's postcard receipt that acknowledges receipt of "3 sheets of Drawings" on July 1, 2003. A review of the application file indicates the presence of zero (0) sheets of drawings filed on July 1, 2003. It is assumed that missing sheets of drawings were misplaced by the Office.

In view of the above, the petition is granted.

The \$400.00 petition fee will be refunded to deposit account no. 18-0988.

This application will be returned to OIPE for further processing with a filing date of July 1, 2003, using the three (3) sheets of drawings, supplied on February 22, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

A handwritten signature in black ink, appearing to read 'Ed J. Tannouse', followed by a long horizontal line extending to the right.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office